

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:23-cv-22747-RKA/Reid

JAMES TUNDIDOR, SR.,
DULCE E. TUNDIDOR,
JAMES TUNDIDOR, JR.
and PORKY'S CABARET,
INC. d/b/a BELLAS CABARET,

Plaintiffs,

vs.

CARLOS HERNANDEZ and
CITY OF HIALEAH,

Defendants.

ORDER

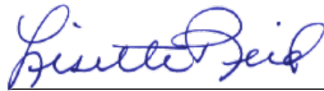
THIS CAUSE came before the Court on Plaintiffs' Notice of Issues to be Discussed at Discovery Hearing on June 4, 2025. [ECF No. 162]. The undersigned held a hearing on this matter on June 4, 2025, via Zoom. In accordance with the undersigned's ruling at the hearing, it is **ORDERED** and **ADJUDGED** as follows:

Plaintiffs filed a lawsuit pursuant to 42 U.S.C. § 1983 against the City of Hialeah and its former mayor Defendant Carlos Hernandez ("Defendant"). They allege that Carlos Hernandez orchestrated a police operation on Plaintiffs' business on July 25, 2019, which was broadcast on the news, led to the months-long closure of the business, and harmed both Plaintiffs and their businesses. Plaintiffs contend that operation was done for "political vengeance" against Plaintiffs' family.

Defendant has subpoenaed the records of cellular telephone communications, including text messages, from Jesus Tundidor, a non-party in this action for over a four-year period, to obtain telephone communications between Jesus Tundidor and Defendant himself.

For the reasons stated on the record at the hearing, Carlos Hernandez's subpoena to AT&T for Jesus Tundidor's cellular telephone records is **QUASHED**, finding that the subpoena is disproportional to the needs of the case, an undue burden on a third-party, and that Hernandez can obtain the information from other sources.

DONE AND ORDERED in Chambers at Miami, Florida, this 10th day of June 2025.



Lisette M. Reid
United States Magistrate Judge

cc: U.S. District Judge Roy K. Altman
Counsel of Record